



M E Y E R T O N S
H O O D
K I V L I N
K O W E R T
& G O E T Z E L

A PROFESSIONAL CORPORATION

PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

700 LAVACA, SUITE 800
AUSTIN, TEXAS 78701
TELEPHONE (512) 853-8800
FACSIMILE (512) 853-8801

FAX

To: Examiner Philip Wang

From: Paul Seegers

Fax: 571-273-5934

Pages: 2 (including cover)

Phone: 571-272-5934

Date: October 23, 2009

Re: U.S. Application No. 10/646,416

Phone: (512) 853-8878

Please see the attached agenda for our interview. Let me know if 1pm EST works for you.

THIS FACSIMILE TRANSMITTAL AND THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL CONTAIN CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT YOU ARE NOTIFIED THAT THIS COMMUNICATION MAY BE SUBJECT TO THE ATTORNEY-CLIENT OR WORK-PRODUCT PRIVILEGE AND THAT THE DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT) TO ARRANGE FOR RETURN OF THE DOCUMENTS. RECEIPT BY ANYONE OTHER THAN THE INTENDED RECIPIENT IS NOT A WAIVER OF ANY ATTORNEY-CLIENT OR WORK-PRODUCT PRIVILEGE.

Interview Agenda

Amended Claim

1. (Currently Amended) A method comprising:

a computer system converting an installation package program usable to install a software application on a target processing system from a first format to a second format, wherein the first format does not permit streaming of the software application installation package, and wherein the second format permits streaming of the software application installation package, and wherein the converted installation package includes a plurality of dummy files, each of which is a file that corresponds to a respective actual file of the software application, wherein at least one of the plurality of dummy files is subsequently replaceable with its corresponding actual file; and

the computer system streaming the converted installation package program to the target processing system over a network, wherein said streaming causes the converted installation package program to configure the target processing system for execution of the software application.

Section 112 Rejections

Applicant continues to disagree with the Examiner's assertion that Applicant's specification does not support "permit[ting] streaming of the software application," as recited in the previous version of claim 1. Applicant submits that support for this limitation can be found, for example, in paragraph [0025]. Nevertheless, Applicant is amenable to amending claim 1 to recite "wherein the first format does not permit streaming of the installation package, [and] wherein the second format permits streaming of the installation package." Applicant acknowledges that the Examiner previously suggesting amending claim 1 in a similar manner.

Section 103 Rejections

In the rejection of claim 7, the Examiner indicated that "a file number [in Holler] corresponds to a dummy file." Office Action at 7. While Holler refers to a SAS package having multiple files, Applicant submits that none of those files is a "dummy" file, as none of those files is "subsequently replaceable" with a "corresponding actual file" of the software application being installed. The fact Holler's files each include identifiers does not make these files "dummy" files, nor can metadata about a file be considered a "file" itself. Applicant thus suggests amending claim 1 as outlined above.